

REFERENCE TITLE: **volunteers; disabled employees; minimum wage**

State of Arizona
House of Representatives
Forty-eighth Legislature
First Regular Session
2007

HCR 2006

Introduced by
Representative Konopnicki

A CONCURRENT RESOLUTION

**ENACTING AND ORDERING THE SUBMISSION TO THE PEOPLE OF A MEASURE RELATING TO
MINIMUM WAGES.**

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it resolved by the House of Representatives of the State of Arizona, the
2 Senate concurring:

3 1. Under the power of the referendum, as vested in the Legislature,
4 the following measure, relating to minimum wages, is enacted to become valid
5 as a law if approved by the voters and on proclamation of the Governor:

6 AN ACT

7 AMENDING SECTION 23-363, ARIZONA REVISED STATUTES; RELATING TO
8 MINIMUM WAGES.

9 Be it enacted by the Legislature of the State of Arizona:

10 Section 1. Section 23-363, Arizona Revised Statutes, is
11 amended to read:

12 23-363. Minimum wage; exceptions

13 A. Employers shall pay employees no less than the minimum
14 wage, which shall be six dollars and seventy-five cents (\$6.75)
15 an hour beginning on January 1, 2007.

16 B. The minimum wage shall be increased on January 1, 2008
17 and on January 1 of successive years by the increase in the cost
18 of living. The increase in the cost of living shall be measured
19 by the percentage increase as of August of the immediately
20 preceding year over the level as of August of the previous year
21 of the consumer price index (all urban consumers, U.S. city
22 average for all items) or its successor index as published by
23 the U.S. department of labor or its successor agency, with the
24 amount of the minimum wage increase rounded to the nearest
25 multiple of five cents.

26 C. For any employee who customarily and regularly
27 receives tips or gratuities from patrons or others, the employer
28 may pay a wage up to \$3.00 per hour less than the minimum wage
29 if the employer can establish by its records of charged tips or
30 by the employee's declaration for federal insurance
31 contributions act (FICA) purposes that for each week, when
32 adding tips received to wages paid, the employee received not
33 less than the minimum wage for all hours worked. Compliance
34 with this provision will be determined by averaging tips
35 received by the employee over the course of the employer's
36 payroll period or any other period selected by the employer that
37 complies with regulations adopted by the commission.

38 D. THIS SECTION DOES NOT APPLY TO EITHER OF THE
39 FOLLOWING:

40 1. VOLUNTEERS WHO PROVIDE SERVICES TO THIS STATE OR ANY
41 POLITICAL SUBDIVISION OF THIS STATE AND WHO ARE NOT CONSIDERED
42 EMPLOYEES UNDER SECTION 3(e)(4)(A) OF THE FAIR LABOR STANDARDS
43 ACT OF 1938 (29 UNITED STATES CODE SECTION 203(e)(4)(A)).

1 2. EMPLOYEES WITH DISABILITIES WHO ARE COVERED BY A
2 SPECIAL CERTIFICATE THAT IS ISSUED UNDER SECTION 14(c) OF THE
3 FAIR LABOR STANDARDS ACT OF 1938 (29 UNITED STATES CODE SECTION
4 214(c)).

5 2. The Secretary of State shall submit this proposition to the voters
6 at the next general election as provided by article IV, part 1, section 1,
7 Constitution of Arizona.